

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5007

IN THE MATTER OF:

Served January 23, 1997

Investigation of Unauthorized)
Operations of GREAT AMERICAN)
TOURS, INC., and THE AIRPORT)
CONNECTION, INC. II, and)
Affiliation with AIRPORT BAGGAGE)
CARRIERS, INC., WMATC No. 150,)

Case No. MP-96-54

On September 25, 1996, the Commission issued Order No. 4943, which in part directed Great American Tours, Inc., to cease and desist operations in the Metropolitan District. Order No. 4943 also directed respondents to produce certain records. In response to the document request, respondents filed a motion to stay, supported in part by a copy of articles of merger between Great American Tours and Airport Baggage Carriers, even though those articles had not been filed with the State of Maryland. Because the two corporations had merged in fact, the cease-and-desist mandate of Order No. 4943 necessarily applied to the merged entity, and, therefore, on December 17, 1996, the Commission issued Order No. 4986 declaring in part that that no operations would be permitted under Certificate No. 150, issued to Airport Baggage Carriers, Inc., unless and until otherwise ordered by the Commission.

On January 2, 1997, respondents filed minutes of meetings of the respective shareholders and directors of Great American and Airport Baggage Carriers rescinding the merger. Respondents also filed evidence that Airport Baggage Carriers had reestablished its own bank accounts. An examination of Airport Baggage Carriers' vehicles, however, reveals that the vehicle markings do not comply with Commission Regulation No. 61.

Regulation No. 61, as pertinent here, states that a carrier shall display on both sides of each vehicle it operates the carrier's name, including any trade name, and WMATC number. The carrier's name and number must be visible in daylight from a distance of fifty feet. Three-inch block-style lettering is deemed to meet that requirement. According to the vehicle inspection performed by staff, Airport Baggage Carriers' vehicles are prominently marked on each side, in ten-inch letters: "The Airport Connection." The owner and operator information, on the other hand, is displayed in inconspicuous two-inch letters away from the ten-inch markings and misidentifies the owner/operator as "ABC."¹

We will direct Airport Baggage Carriers to remove "The Airport Connection" markings from all vehicles. That name is confusingly similar to The Airport Connection II, whose operating authority was

¹ One vehicle displays only the owner/operator information.

revoked in 1991. Further, it appears from other documents submitted by respondents that "The Airport Connection" is or was a trade name jointly adopted by The Airport Connection II and Great American Tours. The public should not be misled into believing that either The Airport Connection II or Great American Tours has any operating authority in the Metropolitan District. Airport Baggage Carriers will not be permitted to operate these vehicles until this marking has been removed.

As for the owner/operator information, we find that the two-inch lettering does not meet the legibility standard under Regulation No. 61. We strongly advise Airport Baggage Carriers to take advantage of the three-inch block-style harbor when correcting the owner/operator information on its vehicles. We shall allow Airport Baggage Carriers thirty days to correct the owner/operator information displayed on its vehicles.

In consideration of the foregoing, we will lift the ban on operations under Certificate No. 150 on the condition that each respondent first file a current notarized vehicle list or notarized statement disaffirming ownership or operation of any vehicles. Each list shall be accompanied by proof of ownership or a lease, plus proof of safety inspection. Each vehicle on each list shall be presented to Commission staff for inspection.

Airport Baggage Carriers may not recommence operations under Certificate No. 150 until notified in writing by staff that all vehicles have passed inspection, with the following exceptions. Airport Baggage Carriers' vehicles which pass all elements of the inspection other than correction of the two-inch owner/operator information shall be permitted to operate for a period of thirty days from the date of this order. In the event less than all of respondents' vehicles pass all elements of inspection within the thirty-day period, Airport Baggage Carriers shall cease any and all operations unless and until otherwise ordered by the Commission. In addition, any of Airport Baggage Carriers' vehicles verified under oath as being temporarily out of service shall not be operated in the Metropolitan District without first passing inspection by staff, but the failure of such vehicles to pass inspection within thirty days from the date of this order shall not require Airport Baggage Carriers to cease operations, provided that all of its other vehicles have passed full inspection within that period.

Respondents are admonished to advise their customers that of the three, only Airport Baggage Carriers is authorized to transport passengers between points in the Metropolitan District, and Airport Baggage Carriers is reminded that it may charge only those rates on file with the Commission.

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, each respondent shall file the following documents with the Commission:
(a) a notarized equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations or a

notarized statement disaffirming ownership or operation of any vehicles; (b) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; and (c) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

2. That within thirty days from the date of this order and after complying with the preceding paragraph, each respondent shall present all of its vehicles for inspection by Commission staff.

3. That within thirty days from the date of this order, Airport Baggage Carriers, Inc., shall file with the Commission a certificate of good standing as a corporation.

4. That upon written notification from staff, Airport Baggage Carriers may operate any vehicle which passes all elements of inspection other than correction of the two-inch owner/operator information for a period of thirty days from the date of this order.

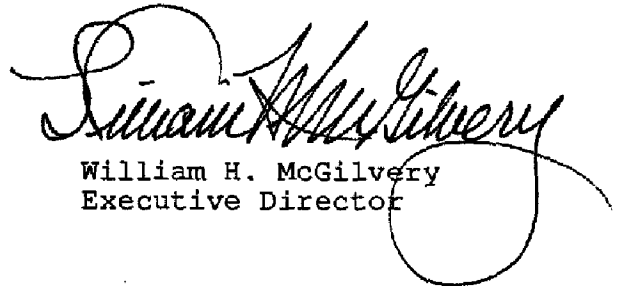
5. That upon written notification from staff that all vehicles on respondents' vehicle lists have passed inspection, Airport Baggage Carriers may resume full operations under Certificate No. 150.

6. That in the event less than all of respondents' vehicles pass all elements of inspection within thirty days from the date of this order, Airport Baggage Carriers shall immediately cease any and all operations unless and until otherwise ordered by the Commission.

7. That notwithstanding the foregoing, vehicles which are not presented for inspection because they are temporarily out of service, as verified under oath, shall not be counted against the carrier.

8. That any of Airport Baggage Carriers' vehicles verified under oath as being temporarily out of service shall not be operated in the Metropolitan District without first passing inspection by staff.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director